

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: SHIRLEY ANN DOUGLAS

**CHAPTER 13 PROCEEDING
CASE NO. 09-13893**

**TERRE M. VARDAMAN, TRUSTEE FOR
THE ESTATE OF SHIRLEY ANN DOUGLAS**

PLAINTIFF

V.

ADVERSARY PROCEEDING NO. 10-01187-DWH

**RICHARD B. SCHWARTZ, SCHWARTZ &
ASSOCIATES, P.A., VANN F. LEONARD AND JOHN DOES**

DEFENDANTS

**RICHARD B. SCHWARTZ, SCHWARTZ &
ASSOCIATES, P.A.**

CROSS-PLAINTIFF

V.

VANN F. LEONARD

CROSS-DEFENDANT

**ANSWER AND AFFIRMATIVE DEFENSES OF CROSS-DEFENDANT
VANN F. LEONARD TO THE CROSS-CLAIM OF CROSS-PLAINTIFFS
RICHARD B. SCHWARTZ AND SCHWARTZ & ASSOCIATES, P.A.**

COMES NOW Cross-Defendant Vann F. Leonard ("Leonard"), through counsel, and files this his Answer and Affirmative Defenses to the Cross-Claim filed by Cross-Plaintiffs Richard B. Schwartz and Schwartz & Associates, and in so responding would respectfully show unto this honorable Court as follows, to-wit:

FIRST AFFIRMATIVE DEFENSE

As a first affirmative defense, Leonard alleges that the Cross-Claim and each claim thereof fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

As a second affirmative defense, Leonard adopts by reference all defenses, affirmative defenses, averments of fact, jurisdiction and venue set forth in his Answer and Affirmative Defenses previously filed herein.

THIRD AFFIRMATIVE DEFENSE

Leonard reserves the right to assert any additional affirmative defenses that may be discovered during the course of additional investigation and discovery.

ANSWER

And now, without waiving any denials and affirmative defenses asserted hereinabove, Cross-Defendant Vann F. Leonard responds to the allegations contained in the Cross-Plaintiffs' Cross-Claim, paragraph by paragraph. Unless specifically admitted, the allegations of the Cross-Claim are denied.

1. Denied. Further, Leonard would assert his rights and privileges guaranteed by the Fifth Amendment to the United States Constitution and the Constitution of the State of Mississippi regarding the allegations contained in the Cross-Claim and thus denies same.
2. Leonard denies the allegations contained in the unnumbered paragraph of the Cross-Claim which begins "WHEREFORE," and further denies that the Cross-Plaintiffs are entitled to any relief whatsoever in the premises.

WHEREFORE, PREMISES CONSIDERED, Cross-Defendant Vann F. Leonard prays that his Answer and Affirmative Defenses be received and filed, and that upon consideration thereof, prays this honorable Court enter Judgment in his favor, dismissing the Cross-Claim in its entirety against Leonard, and awarding Leonard such other relief as the Court deems proper in the premises.

DATED this the 28th day of December, 2010.

Respectfully submitted,

VANN F. LEONARD

By: s/ Joe M. Hollomon
Joe M. Hollomon, His Attorney

By: s/ Vann F. Leonard
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the above and foregoing Answer and Affirmative Defenses with the Clerk of this Court using the ECF system, which sent notification thereof to the following:

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DATED this the 28th day of December, 2010.

s/ Vann F. Leonard